

## GUIDANCE RE RECOMMENDED FORMS AND ORDERS

The forms and orders set forth below have been approved by the Board of Judges of the United States Bankruptcy Court for the District of New Jersey. Unless otherwise noted, the use of these pleadings by the Bar and public is **recommended**, rather than mandatory.

If you submit one of the forms or orders outlined below, and if the form is modified in any way, the modification must be clearly noted on the first page of the pleading, below the title. For example:

Recommended Local Form:    ☐ Followed    ☐ Modified



**Failure to note a modification of the recommended form may result in a delay of the processing or rejection of the pleading.**

---

### EFFECTIVE IMMEDIATELY

#### **LOCAL FORM 2 - Order Shortening Time Period for Notice and Setting Hearing**

Changes made to this form include, but are not limited to:

- Options relevant to service have been provided, e.g., how the order shall be served (via fax, email, regular mail, etc.), and when the order will be served (on the same day, or within a specified number of days).
- A section regarding telephonic notice has been added.

#### **LOCAL FORM 8 - Chapter 13 Plan and Motions (MANDATORY)**

- Check boxes to indicate whether the debtor is seeking a discharge have been added.
- A note of guidance has been added to this form regarding proofs of claim, objections to the plan and service.

#### **LOCAL FORM 18 - Disclosure Statement Pursuant to Section 1125 of the Bankruptcy Code Describing Chapter 11 Plan Proposed By \_\_\_\_\_**

- “Effective date of plan” conflict corrected.
- Listing of management information during and after filing of petition modified.

**LOCAL FORM 23 - Chapter 13 Debtor's Certification in Opposition to Creditor's Motion OR Certification of Default OR Trustee's Motion or Certification of Default (MANDATORY)**

- This form has been modified to include objections to Trustee's Motion to Dismiss or Certifications of Default. As a result, the Court's note of guidance on page two has also been modified.

**NOTE: Failure to use this form when filing opposition to a creditor's Motion for Relief from the Stay or Certification of Default in a chapter 13 case OR a Chapter 13 Trustee's Motion to Dismiss or Certification of Default may result in the motion or certification being deemed uncontested.**

**Application For Retention of Professional**

- This form has been modified to add "check all that apply" language where appropriate.

**Order Authorizing Retention of \_\_\_\_\_**

- This order has been modified to include the address of the party being employed.
- Please submit this Order as a proposed order when filing an Application For Retention of Professional.

**Order Authorizing Sale of Real Property**

This order has been modified to indicate:

- ORDERED paragraph 2 - The proceeds of sale **must** be applied to satisfy liens, unless the liens are otherwise avoided by court order.
- ORDERED paragraph 6 - Checkbox added for "balance due on chapter 13 plan."
- ORDERED paragraph 7 - Deadline for submission of HUD Statement changed from 5 to 10 days.
- ORDERED paragraph 8 - "The debtor shall file a modified Chapter 13 Plan within 20 days of the date of this order" added.

This order should be submitted as a proposed order on Motions For Sale of Real Property.

**Order Reinstating Case or Automatic Stay**

- Order modified to include provision for reinstating the automatic stay.
- Language regarding appointment of trustees and scheduling of 341 meetings or confirmations hearings removed.

This order may be submitted as a proposed order on Motions to Reinstate a Case or Motions to Vacate the Automatic Stay.

**Certification of Exigent Circumstances and Request for Extension of Time to Obtain Credit Counseling Required Under 11 U.S.C. § 109(h)(1)**

- This form is new and sets forth the guidelines by which a debtor may request an extension of time to file a Certificate of Credit Counseling.

**E-filer note:** Use the *Certification of Exigent Circumstances* event located in the Misc. Events category to docket/file the pleading. (Changed from *Exigent Circumstances Re Credit Counseling* event.)

**Order Regarding Credit Counseling and Certification of Exigent Circumstances**

This form has been modified; the changes include:

- Space has been added to include information relevant to a hearing, i.e., date, time and location. (This section will be completed by the Court).
- Plain language has been used.
- If the Request is denied, the case is dismissed immediately.

**Order Converting Case to Chapter 7 (Mandatory)**

This Order is new. The changes include, but are not limited to:

- Several provisions that affect the debtor and/or trustee, such as the immediate turnover of books and records and the filing of a schedule of all property acquired after the commencement of the case, but before entry of the order.
- A provision that the debtor, if an individual, shall file a Statement of ***Current Monthly Income and Means Test Calculation (Official Form B22A)*** within 15 days of the date of the order.

This order should be submitted on Motions to Convert a Case to Chapter 7 and by Chapter 13 Standing Trustees when a Chapter 13 case converts to Chapter 7 at confirmation.

**Order Converting Case to Chapter 11 (Mandatory)**

This Order is new. The changes include, but are not limited to:

- Several provisions that affect the debtor and/or trustee, such as the immediate turnover of books and records.
- A provision that the debtor shall file, within 15 days of the date of the order a ***List of the Debtor's 20 Largest Creditors*** and a ***Statement of Current Monthly Income (Official Form B22B)*** if an individual, or a ***List of Equity Security Holders***, if a corporation.
- An check box has been added to indicate that the case will be reconverted to chapter 7 if the debtor is unsuccessful in confirming a plan.
- **Fees** - 1) Check boxes have been added to indicate that either the fee to convert to Chapter 11 is due OR if the case was previously a chapter 7, and the fee was waived, the entire chapter 11 filing fee is due.

**NOTE:** Efilers may pay the following fees electronically by docketing the *Electronic Fee Payment* event, located in the Misc. Events category.

- Conversion to Chapter 11 Fee (from Chapter 7)
- Conversion to Chapter 11 Fee (from Chapter 13)
- Entire Chapter 11 Fee (due upon conversion from Chapter 7 where the Chapter 7 filing fee has been waived)
- Entire Chapter 13 Fee (due upon conversion from Chapter 7 where the Chapter 7 filing fee has been waived)
- Fee to Sever Case

This order should be submitted as a proposed order on Motions to Convert a Case to Chapter 11.

**Order Converting Case to Chapter 13 (Mandatory)**

This Order is new. The changes include, but are not limited to:

- Several provisions that affect the debtor and/or trustee, such as the immediate turnover of books and records.
- In the event the debtor is unsuccessful in confirming or completing a plan, the case will be reconverted.
- A checkbox has been added indicating that an Order Waiving the Chapter 7 Filing Fee is revoked, and that the entire chapter 13 filing fee is due.

- A provision has been added indicating that the debtor shall file a ***Chapter 13 Plan and Motions*** and a ***Statement of Current Monthly Income and Disposable Income Calculation (Official Form B22C)*** within 15 days of the date of the order, and that failure to do so will result in the case being reconverted without further notice.

This order should be submitted as a proposed order on Motions to Convert a Case to Chapter 13.

**Request for Exemption from Credit Counseling Required Under 11 U.S.C. § 109(h)(1) AND/OR Participation in Financial Management Course Required Under 11 U.S.C. § 727(a)(11) or 1328(g)(1)**

This form is new and sets forth the guidelines by which a debtor may request an exemption from meeting the requirement to obtain Credit Counseling and/or to attend a Financial Management Course.

- Chapter 7 cases - An individual debtor may request an exemption from credit counseling AND financial management on one form.
- Chapter 11 and 13 cases - An individual debtor must file separate Requests for an exemption from credit counseling or for an exemption from attending a financial management course.

**E-filer note:** Depending upon the relief requested, the following events should be used to e-file the document. Because each debtor in a joint case must file a separate Request for Exemption, please be sure to select the appropriate debtor when filing.

- *Exemption From Credit Counseling* - Use this event, located in the Motions/Applications category, if the relief requested is an exemption from credit counseling.
- *Exemption from Financial Management Course* - Use this event, located in the Motions/Applications category, if the relief requested is an exemption from attending a financial management course.
- *Exemption from Credit Counseling AND Exemption From Financial Management Course* - Use both events, located in the Motions/Applications category, in a chapter 7 case ONLY when both types of relief are requested.

**Do not set hearing in the above events, this pleading will brought to the judge's attention immediately upon filing.**



**CAUTION:** Debtors in a joint case must file separate Requests for Exemptions.

**Order Regarding Request for Exemption From: Credit Counseling Required Under 11 U.S.C. § 109(h)(1) AND/OR Participation in Financial Management Course Required Under 11 U.S.C. § 727(a)(11) or 1328(g)(1)**

- This order is new and shall be submitted as a proposed order on a Request for Exemption from Credit Counseling and/or Financial Management
- The order contains the option for the judge to schedule a hearing on the matter.

This order should be submitted as a proposed order when filing a Request for Exemption from Credit Counseling or Financial Management.

**Order Reopening Case**

- This order has been modified to include a section for the judge to designate when the case should be closed or reviewed for closing.

This order should be submitted as a proposed order when filing a Motion to Reopen.

**Order For Admission Pro Hac Vice (MANDATORY)**

- This order has been modified to conform with the District Court rule on Pro Hac Vice Admission.

This order must be submitted as a proposed order when filing an Application for Admission Pro Hac Vice.